IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL FROM ORDER NO.651 OF 2004

Ayub S/o. Majid Khan .. Appellant.
V/s.
Murtaza, S/o.Abdul Majid Khan
& Others .. Respondents.

Mr.P.K. Dhakephalkar i/b. Jagjeet Rehel for the Appellant.
Mr.K.M. Yadav for the Respondents.

CORAM : A.S. OKA, J.

DATED : 5TH APRIL, 2005.

P.C. :

1. Heard Advocates appearing for the parties.

2. The challenge in this Appeal from Order preferred by the Original Plaintiff is to the judgment and order dated August 1, 2003 by which the Notice of Motion taken out by the Appellant-Plaintiff for appointment of Court Receiver is partly allowed. The main suit is filed under Section 6 of the Specific Relief Act, 1963. The order impugned is operating from August 1, 2003.

3. No interference is called for at this stage against the discretionary order which is operating from August 1, 2003.

4. It is obvious that the findings recorded in

the impugned judgment and order are only tentative recorded for limited purpose of hearing of the Notice of Motion for interim relief. The learned Trial Judge will decide the suit without being influenced by the prima-facie findings.

5. Subject to what is stated above, Appeal from Order stands dismissed with no order as to costs.

6. Hearing of suit is expedited.

(A.S. OKA, J.)